

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOMAS S. MANFRE,

Plaintiff,

V.

**JEROME MAY, WILLIAM MAY,
DAVID MAY, and R&M FREIGHT,
INC.,**

Defendants.

Case No. 08 C 1281

Judge Matthew F. Kennelly

R&M FREIGHT, INC.,

Magistrate Judge Michael T. Mason

Defendant/Counter-Plaintiff,

V.

THOMAS S. MANFRE,

Plaintiff/Counter-Defendant.

PLAINTIFF'S MOTION TO DISMISS DEFENDANT R&M'S COUNTERCLAIMS

Plaintiff Thomas S. Manfre, by his undersigned attorneys, respectfully requests that the Court dismiss the counterclaims brought by Defendant R&M Freight Inc. (“R&M”). In support of this Motion, Mr. Manfre states as follows:

1. In response to Mr. Manfre's Complaint, R&M admits a number of key allegations against it. At the same time, and despite having made a number of significant judicial admissions, R&M attempts to state four counterclaims.

2. As discussed further in the Supporting Memorandum being filed with this Motion, for a variety of reasons, none of the Defendants' counterclaims actually state a cause of action.

3. In addition, for the reasons set forth in the Supporting Memorandum, R&M's requests for punitive damages are deficient as a matter of law.

4. Consequently, the Court should dismiss each of R&M's counterclaims and strike its requests for punitive damages.

WHEREFORE, for the reasons stated above and in the Supporting Memorandum being filed with this Motion, Plaintiff Thomas S. Manfre respectfully request that this Court enter an order dismissing all of the counterclaims filed by R&M, striking its requests for punitive damages, and granting such further and additional relief as this Court deems just and proper.

Dated: May 2, 2008

Respectfully submitted,

THOMAS S. MANFRE

By: s/ Max A. Stein
One of His Attorneys

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CERTIFICATE OF SERVICE

I, Max A. Stein, state that on May 2, 2008, I electronically filed the foregoing
PLAINTIFF'S MOTION TO DISMISS DEFENDANT R&M'S COUNTERCLAIMS with
the Clerk of the Court using the ECF system which will send notification to all parties.

s/ Max A. Stein
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